

MEETING RECORD

NAME OF GROUP:

PLANNING COMMISSION

**DATE, TIME AND
PLACE OF MEETING:**

Wednesday, February 4, 2015, 1:00 p.m., Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska

**MEMBERS IN
ATTENDANCE:**

Tracy Corr, Dennis Scheer, Maja V. Harris, Michael Cornelius and Chris Hove (Jeanelle Lust, Lynn Sunderman, Ken Weber and Cathy Beecham absent); David Cary, Steve Henrichsen, Brian Will, Jean Preister, Geri Rorabaugh and Amy Huffman of the Planning Department; media and other interested citizens.

**STATED PURPOSE
OF MEETING:**

Regular Planning Commission meeting

The meeting was delayed for purposes of acquiring a quorum. Vice-Chair Chris Hove called the meeting to order at 1:45 p.m. and acknowledged the posting of the Open Meetings Act in the back of the room.

Acting Planning Director David Cary introduced Geri Rorabaugh, the new Administrative Officer in the Planning Department.

Hove requested a motion approving the minutes for the regular meeting held January 21, 2015. Cornelius moved approval, seconded by Scheer and carried 5-0: Corr, Harris, Scheer, Cornelius and Hove voting 'yes'; Sunderman, Weber, Beecham and Lust absent.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

February 4, 2015

Members present: Corr, Harris, Scheer, Cornelius and Hove; Sunderman, Weber, Beecham and Lust absent.

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 15003 and USE PERMIT NO. 117D.**

There were no ex parte communications disclosed.

Cornelius moved to approve the Consent Agenda, seconded by Corr and carried 5-0: Corr, Harris, Scheer, Cornelius and Hove voting 'yes'; Sunderman, Weber, Beecham and Lust absent.

Note: This is final action on Special Permit No. 15003 and Use Permit No. 117D, unless appealed to the City Council within 14 days.

SPECIAL PERMIT NO. 15002,
PERSONAL WIRELESS FACILITY,
ON PROPERTY GENERALLY LOCATED
AT WEST A. STREET AND CODDINGTON AVENUE.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 4, 2015

Members present: Corr, Harris, Scheer, Cornelius and Hove; Sunderman, Weber, Beecham and Lust absent.

Staff recommendation: Conditional approval.

There were no ex parte communications disclosed.

Staff presentation: **Brian Will of Planning staff** explained that personal wireless facilities (cell towers) are allowed in any zoning district by special permit. In this case, the property is southeast of the intersection of Coddington Avenue and West A Street (the little neighborhood shopping center). The proposed 129' tower is specifically shown in the very southeast corner of the site.

In going through the requirements of the ordinance, the staff agreed that the proposed location would be a preferred location, with one caveat, i.e., because this facility is adjacent to a residential neighborhood, some conditions of approval have been added:

- 1.1.1.2. Show all required screening/landscaping required by the Design Standards; and
- 1.1.1.3. Add a note stating that the antennae will be limited to only flush-mounting.

The purpose of the additional conditions is to mitigate or at least reduce the visual impact as much as possible.

Corr noted that the staff report talks about possibly locating the facility at the northwest corner instead of the southeast corner. Why did the applicant choose the southeast

corner? Will explained that the tower could be located anywhere on the site. The northwest corner had been suggested because it is a vacant pad site. Will suggested that the applicant answer this question.

Harris noted that the acquisition of a height permit is not in the conditions of approval. Will explained that to be a requirement separate and apart from the special permit. Regardless of the special permit, the height permit is a requirement of the zoning ordinance. The height permit is acquired at the time of building permit. In fact, the applicant could request the height permit anytime and could start that process now. It would be redundant to add the height permit as a condition of approval because it is a separate requirement.

Proponents

1. Ralph Wyngarden, Faulk & Foster, the site acquisition provider for Verizon, 678 Front Avenue NW, Suite 110, Grand Rapids, Michigan, appeared as the applicant. The applicant chose this specific location because it was a spot that is sort of “tucked away” on the site being behind the grocery store. There is a notch out of the northeast corner of the buildings there that is unused. This seemed to be the ideal location because it is at the rear end of the store facility, with dumpsters, loading docks, and pallets across from it. Thus, this seemed the logical location for such a use. Wyngarden agreed there are other options, but the applicant would need to replace parking spots and get more visibility of public roads if located at the northwest corner. The applicant believes the location selected is the most appropriate on this property. There are some homes in the near vicinity which have adjusted to the fact of having the back of the store there. When the trees leaf out there will not be much visibility of the tower, only the back of the store. The facility will blend in with the back of the store. The two homes that are immediately adjacent have wood fence and shrubbery 15' tall along the property line screening their houses, thus Wyngarden submitted that there is an existing separation between the neighborhood and the existing store.

With regard to the staff report, Wyngarden stated that the applicant agrees with the analysis in the staff report, except the applicant does not agree that the visual impact should require the imposed conditions for flush mounting, and additional screening and landscaping (Conditions #1.1.1.2 and #1.1.1.3). Wyngarden requested to waive the landscaping requirement (Condition #1.1.1.3). The site comes right up to the pavement on the east. Driving around the building, there is limited space to do any kind of planting. It would require tearing up some of the pavement. The existing use of the property already produces an impact on those adjacent properties because of the activity in back of the store and the visual in that area. As far as ground level view, Wyngarden requested that a wood fence around the ground equipment be accepted in lieu of landscaping and plantings.

With regard to the antenna design, Wyngarden explained that a true flush mount it right up against the pole and would only allow one antenna per sector, with only three available. Verizon currently has this site drawn at 2 antennas per sector, for a total of 6 antennas. The proposed antenna is close-mount – not the full three-sector platform – it is drawn with standoff arms to allow two antennas per sector. If they are required to use the true full flush mount, they would have to do three on one level and then drop down to another level. It would limit the amount of service they could provide and it would sacrifice some of the collocation ability. Wyngarden respectfully proposed that the condition be revised to allow a close-mount with standoff arms to keep the same antenna design and stay on the one level and leave the remainder open for collocation.

Hove asked whether the applicant has visited with staff about the proposed amendments. Wyngarden acknowledged that they had gone back and forth in discussion. He believes it is a matter of interpretation of the design standards. There are other locations where a wood fence has been accepted. There are already plantings on the property line, with the homes self-screening their property. Waiving the landscaping will not change their view.

There was no testimony in opposition.

Staff questions

Cornelius requested that staff comment on the short standoff arms versus the flush mount. Will believes that it is possible to find some middle ground. There have been cases where short standoff arms have been allowed. If the Planning Commission would want to modify that condition, he believes that the applicant and staff could work together to find some alternate antenna situation.

As far as waiving the landscaping and screening requirement, Will stated that there has been no alternative plan proposed. The applicant is asking for a total waiver. There have been such waivers in other cases, but it has been a site that is fully paved but still surrounded by residential uses. The standard is in place for cases just like this with disparate land uses with an adjacent neighborhood. Will had hoped some alternative or middle ground would have been proposed by the applicant but that was not the case. Screening would help those properties to the south and east. He suggested that the condition could be modified to require the screening and landscaping only to the south and east. The staff is not in favor of a total waiver of Condition #1.1.1.3.

Cornelius observed that the applicant's objection is primarily to the plantings and would prefer to substitute a wooden fence. Will acknowledged that there are two standards, i.e. 1) the zoning ordinance provides that the ground shelter shall be screened by a 6'

fence; and 2) the design standards for screening and landscaping talk about a separate standard beyond the fence for a tower. That is the purpose of the 70% screen – to break up that impact.

Scheer inquired whether the staff's preferred location would change if the landscaping requirement were deleted. Will agreed that waiver of the landscaping would change the staff's preferred location.

Harris inquired as to the number of trees that would be required for this particular tower. Will did not have a specific number but he does not believe it is going to be a very large number. The site is not that big. Of that 70% screening, it is only half that have to grow to 35'. He would think it would be from five to ten trees.

Corr then confirmed that the tall trees would only need to be located on the residential side. Will agreed that that is what the applicant is requesting. The standard would be 360 degrees. The applicant is requesting a complete waiver. Will stated that he is suggesting that the screening apply only to the south and east edges of the compound and waived to the west and the north. They are asking for a total waiver, but Will suggested the condition could be modified to require the landscaping and screening to the south and the east, and staff would not object.

Harris asked whether the staff recommendation for the south and east would still be 70% screening. Will stated, "yes". You would apply the same standard to the south and east, but not the north and west.

Hove inquired about the antenna design. Will suggested that the language could be modified to standoff arms as requested by the applicant.

Response by the Applicant

Wynyarden believes that the applicant can work with the standoff arms on the antenna. As far as the landscaping, the applicant would be happier with a partial waiver rather than none at all. He showed some photographs of the existing neighborhood property line screening that exists at this time. In terms of people up and down the street viewing the tower, Wynyarden believes the tower will be screened by what is already growing in the neighborhood. The house to the north of Garfield has an existing wooden fence with an evergreen shrub growth that looks to be in the 15' range. In the other direction, there is a low fence and shrubby at the end of the street. Both homes are heavily screened already because of the impact of the store.

Wynyard then reiterated that the applicant would prefer the full waiver because not waiving it will require removal of some concrete and submitting something that would comply with the design standards.

Will re-approached and provided language if the Planning Commission wishes to amend the conditions of approval:

- 1.1.1.2 Add a note stating that antennas will be limited to only ~~flush-mounting~~ mounting with short standoff arms.
- 1.1.1.3 Show all required screening/landscaping required by the Design Standards to the south and east.

ACTION BY PLANNING COMMISSION:

February 4, 2015

Cornelius moved to approve the staff recommendation of conditional approval, with the amendments as suggested by staff, seconded by Corr.

Cornelius observed that the design standards exist for a reason. To the east there may be some screening further into the neighborhood but we should also consider the boundary. There is not a lot of screening to the south; it is essentially openness; and Cornelius believes that it is not unreasonable to ask for screening on that side. In addition, Cornelius does not believe the short arm antenna will have a real impact.

Corr agreed with Cornelius in terms of the short arms versus the flush mounting. She also believes it is wise to require landscaping on the south and east sides. She is aware that the existing neighbors to the east already have some higher screening but this will provide for some difference in life spans, e.g. if the existing screening dies out, that being required by this special permit would possibly be grown by then and make a difference.

Hove stated that he will also support the staff's amendments.

Motion for conditional approval, with amendments, carried 5-0: Corr, Harris, Scheer, Cornelius and Hove voting 'yes'; Sunderman, Weber, Beecham and Lust absent. This is final action, unless appealed to the City Council within 14 days.

COUNTY TEXT AMENDMENT NO. 14014,
AMENDING THE LANCASTER COUNTY
ZONING RESOLUTION RELATING TO COMMERCIAL WIND
ENERGY CONVERSION SYSTEMS.

(This application was withdrawn by the applicant on February 2, 2015, and removed from the February 4th Planning Commission Agenda)

There being no further business to come before the Planning Commission, the meeting was adjourned at 2:20 p.m.

Respectfully submitted,

Jean Preister
Administrative Officer
03/01/1989 to 02/27/2015

Please Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, February 18, 2015.